

**SUPREME COURT MINUTES
THURSDAY, FEBRUARY 26, 2004
SAN FRANCISCO, CALIFORNIA**

S102371

B148446 Second Appellate District,
B148451 Division One

METROPOLITAN WATER DIST v. S.C. (CARGILL)

Opinion filed: Judgment affirmed in full

Majority Opinion by Werdegar, J.
--- joined by George, C.J., Kennard,
Moreno, JJ.
Concurring and Dissenting Opinion by
Brown, J.
Dissenting Opinion by Baxter, J.
--- joined by Chin, J.

S122708

B172613 Second Appellate District,
Division One

GUTIERREZ v. S.C. (PEOPLE)

Petition ordered withdrawn as moot.

S121451

F037426 Fifth Appellate District

PEOPLE v. YANG

Time extended to grant or deny review

to April 5, 2004

S121653

D041020 Fourth Appellate District,
Division One

PEOPLE v. WHITLOCK

Time extended to grant or deny review

to April 2, 2004

S121673

A100928 First Appellate District,
Division Three

PEOPLE v. HUDSON

Time extended to grant or deny review

to April 2, 2004

S121726

B162012 Second Appellate District,
Division Four

PEOPLE v. GREENLEE

Time extended to grant or deny review

to April 2, 2004

S121771

B157656 Second Appellate District,
Division Two

PEOPLE v. WARING

Time extended to grant or deny review

to April 2, 2004

S121778

E031923 Fourth Appellate District,
Division Two

PEOPLE v. SULLIVAN

Time extended to grant or deny review

to April 15, 2004

S121800

A099265 First Appellate District,
Division Three

PEOPLE v. TELLE

Time extended to grant or deny review

to April 9, 2004

S121822

C041522 Third Appellate District

PEOPLE v. SUTHERLAND

Time extended to grant or deny review

to April 15, 2004

S121831

D040430 Fourth Appellate District,
Division One

PEOPLE v. NISSEN

Time extended to grant or deny review

to April 9, 2004

S121957

E032534 Fourth Appellate District,
Division Two

PEOPLE v. WILSON

Time extended to grant or deny review

to April 15, 2004.

S122889

B162065 Second Appellate District,
Division Four

KRAUT & BODEN, MARRIAGE OF

Time extended to grant or deny review

on the court's own motion to and including
March 19, 2004. (Cal. Rules of Court, rule 28
(a)(1).)

Due to clerical error on the part of the Clerk of
the Court of Appeal, and good cause appearing,
this order is entered *nunc pro tunc* as of
February 20, 2004.

S030402

PEOPLE v. TULLY (RICHARD C.)

Extension of time granted

to March 22, 2004 to file appellant's opening
brief. After that date, no further extension will
be granted. Counsel is ordered to inform his or

her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S033149

PEOPLE v. WEAVER (LATWON R.)

Extension of time granted

to March 1, 2004 to file appellant's opening brief. After that date, only three further extensions totaling about 180 additional days will be granted. Extension is granted based upon counsel James S. Thomsons's representation that he anticipates filing that brief by 8/31/2004.

S040704

PEOPLE v. JOHNSEN (BRIAN D.)

Extension of time granted

to April 2, 2004 to file appellant's opening brief. Extension is granted based upon counsel Richard P. Stookey's representation that he anticipates filing appellant's opening brief by 4/2/2004. After that date, no further extension will be granted.

S056997

PEOPLE v. WHISENHUNT (MICHAEL M.)

Extension of time granted

to April 19, 2004 to file appellant's opening brief.

S058025

PEOPLE v. FOSTER (RICHARD D.)

Extension of time granted

to April 9, 2004 to file appellant's opening brief. After that date, only two further extensions totaling 90 additional days will be granted. Extension is granted based upon counsel William Farber's representation that he anticipates filing that brief by 07/11/04.

S058537PEOPLE v. COLLINS (SCOTT FORREST)
Extension of time granted

to April 26, 2004 to file respondent's brief.

S065877PEOPLE v. LOPEZ, SERNA & TRUJEQUE
Extension of time granted

to April 23, 2004 to appellant to request correction of the record. The court anticipates that after that date, only three further extensions totaling 180 additional days will be granted. Counsel is ordered to inform the Santa Clara County Superior Court and his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record of this schedule, and take all steps necessary to meet it. Counsel for appellant Bobby Lopez is ordered to serve a copy of the record correction motion on this court upon its filing in the superior court.

S069685PRICE (CURTIS F.) ON H.C.
Extension of time granted

to March 2, 2004 the return to the order to show cause. Extension is granted based upon Deputy Attorney General David H. Rose's representation that he anticipates filing that pleading by 3/2/2004. After that date, no further extension will be granted.

S070250PEOPLE v. JOHNSON (MICHAEL)
Extension of time granted

to April 23, 2004 to file appellant's opening brief.

S072949PEOPLE v. BRASURE (SPENCER R.)
Extension of time granted

to April 26, 2004 to file appellant's opening brief. After that date, only four further extensions totaling 240 additional days will be

granted. Counsel is ordered to inform his or her assisting attorney or entity, if any and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S073597

PEOPLE v. LOPEZ (JUAN M.)

Extension of time granted

to April 26, 04 to file appellant's opening brief. After that date, only four further extensions totaling 240 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it

S075699

PEOPLE v. MARTINEZ (MIGUEL)

Extension of time granted

to April 26, 2004 to file appellant's opening brief. After that date, only four further extensions totaling 230 additional days will be granted. Extension is granted based upon Deputy State Public Defender Raoul D. Schonemann's representation that he anticipates filing that brief by 12/3/2004.

S078664

PEOPLE v. AVILA (JOSEPH)

Extension of time granted

to April 27, 2004 to file appellant's opening brief. After that date, only four further extensions totaling 195 additional days will be granted. Extension is granted based upon counsel Christine Levin's representation that she anticipates filing that brief by 11/10/04.

S093765

PEOPLE v. GAY (KENNETH E.)

Extension of time granted

to April 23, 2004 to file appellant's reply brief. After that date, only one further extension

totaling about 45 additional days will be granted. Extension is granted based upon Deputy State Public Defender Therene Powell's representation that she anticipates filing that brief by 6/8/2004.

S115318

YOUNG (ROBERT) ON H.C.

Extension of time granted

to April 1, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only five further extensions totaling 150 additional days will be granted. Extension is granted based upon counsel Wesley Van Winkle's representation that he anticipates filing that document by 09/01/04.

S116529

NOGUERA (WILLIAM A.) ON H.C.

Extension of time granted

to March 24, 2004 the reply to the informal response to the petition for writ of habeas corpus. The court anticipates that after that date, only one further extension totaling 30 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S116605

NAKAHARA (EVAN T.) ON H.C.

Extension of time granted

to March 17, 2004 the informal response to the petition for writ of habeas corpus. The court anticipates that after that date, only three further extensions totaling 90 additional days will be granted. Counsel is ordered to inform his or her assisting attorney or entity, if any, and any assisting attorney or entity of any separate counsel of record, of this schedule, and to take all steps necessary to meet it.

S116793**FIERRO (DAVID) ON H.C.**
Extension of time granted

Appellant's application for relief from default for failure to file the reply to informal response to petition for writ of habeas corpus or a timely motion for extension of time is granted.

Good cause appearing, and based upon counsel James S. Thomson's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by 4/25/2004, counsel's request for an extension of time in which to file that document is granted to 2/25/2004. After that date, only two further extensions totaling 60 additional days will be granted.

S117032**POLLOCK (MILTON RAY) ON H.C.**
Extension of time granted

to March 26, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, only three further extensions totaling about 90 additional days will be granted. Extension is granted based upon counsel Karen Kelly's representation that she anticipates filing that document by 6/30/2004.

S119354**STEVENS (CHARLES) ON H.C.**
Extension of time granted

to March 30, 2004 to file the reply to the informal response to the petition for writ of habeas corpus. After that date, no further extension will be granted. Extension is granted based upon counsel Barry Karl's representation that she anticipates filing that document by 03/30/04.

S119946**DUNKLE (JON SCOTT) ON H.C.**
Extension of time granted

to March 24, 2004 the informal response to the petition for writ of habeas corpus. After that

date, only two further extensions totaling about 60 additional days will be granted. Extension is granted based upon Supervising Deputy Attorney General Rene A. Chacon's representation that he anticipates filing that document by 5/19/2004.

S033149

PEOPLE v. WEAVER (LATWON R.)
Order filed

Appellant's "Application for Leave to File Under Seal the Supplemental Declaration of James S. Thomson," treated as a request to file a supplemental confidential status report is granted.

The Clerk is directed to receive "Appellant's Confidential and Ex Parte Supplemental Declaration for Extension of Time to File the Opening Brief on Appeal," as a supplemental confidential status report.

S100257

GANOR ON DISCIPLINE
Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **Gabriel Scott Ganor, State Bar No. 189905**, must be actually suspended from the practice of law for six months. It is further ordered that **Gabriel Scott Ganor** comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S103618**RELAT ON DISCIPLINE**

Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **ROBERT EMIL RELAT, State Bar No. 125467**, shall be actually suspended from the practice of law for 18 months. Credit toward the period of actual suspension shall be given for the period of involuntary inactive enrollment which commenced on October 3, 2003 (Business & Professions Code section 6007(d)(3)). Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

S104721**ZIEGLER ON DISCIPLINE**

Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **DENNIS DUANE ZIEGLER, State Bar No. 193050**, shall be actually suspended from the practice of law for four years. Credit toward the period of actual suspension shall be given for the period of involuntary inactive enrollment which commenced on December 26, 2003 (Bus. & Prof. Code section 6007(d)(3)). Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

S112245**SMITH ON DISCIPLINE**

Probation revoked

Good cause having been shown, it is hereby ordered that probation is revoked, the previously ordered stay of execution of suspension in the above entitled matter is lifted, and **FRANK**

LEONARD SMITH, State Bar No. 60022, shall be actually suspended from the practice of law for one year. Credit toward the period of actual suspension shall be given for the period of involuntary inactive enrollment which commenced on December 22, 2003 (Bus. & Prof. Code section 6007(d)(3)). Respondent is further ordered to comply with rule 955, California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and payable in accordance with Business and Professions Code section 6140.7.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S121073

CASTRELLON ON DISCIPLINE

Recommended discipline imposed

It is ordered that **SUE ELLEN CASTRELLON, State Bar No. 128823**, be suspended from the practice of law for three years, that execution of the suspension be stayed, and that she be placed on probation for four years on condition that she be actually suspended for two years and until she has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 13, 2003, as modified by its order filed October 22, 2003. It is also ordered that respondent take and pass the Multistate Professional Responsibility Examination during the period of her actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Respondent is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts

specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.* Costs are awarded to the State Bar and one-third of said costs shall be added to and become part of the membership fees for years 2005, 2006 and 2007. (Business & Professions Code section 6086.10.)

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S121074**PANAH ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **REZA PANAH, State Bar No. 179557**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S121075**LEVINSON ON DISCIPLINE**

Recommended discipline imposed: disbarred

It is hereby ordered that **EDWARD STUART LEVINSON, State Bar No. 61886**, be disbarred from the practice of law and that his name be stricken from the roll of attorneys. **Edward Stuart Levinson** is also ordered to comply with rule 955 of the California Rules of Court, and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

S122787**GEBERS ON RESIGNATION**

Resignation accepted with disc. proceeding pending

The voluntary resignation of **MICHAEL DAVID GEBERS, State Bar No. 131233**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.* Costs are awarded to the State Bar.

*(See Bus. & Prof. Code, § 6126, subd. (c).)

122203-04**Order filed**

THE HONORABLE RICK SIMS, Associate Justice of the Court of Appeal, Third Appellate District, is hereby assigned to assist the Supreme Court of California. as a justice thereof, on February 26, 2004, and until completion and disposition of all causes and matters submitted pursuant to this assignment including, if necessary by reason of a vacancy or disqualification of a Supreme Court justice, petitions for rehearing arising out of such causes and matters.